

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA**

FARMERS MUTUAL FIRE INSURANCE
COMPANY OF OKARCHE,

Plaintiff,

v.

HL MOTOR GROUP, INC., and OGNJEN
MILANOVIC,

Defendants.

CASE NO. 5:22-CV-00752-D

BRIEF IN SUPPORT OF MOTION FOR RELIEF OF LOCAL RULE 83.3(A)

Pursuant to LCvR 83.3(c), Defendants HL Motor Group, Inc. and Ognjen Milanovic (“Defendants”) move for leave to proceed without local counsel as defined in LCvR 83.3(a). Defendants state that their counsel Jeremy Schrag (“Counsel”) has special qualifications and familiarity with local practice that negates the need for local residential counsel as defined in LCvR 83.3(a).

I. Legal Standards

This Court’s rules require an out-of-state attorney to facilitate with counsel who both resides and maintains an office in Oklahoma. LCvR 83.3(a). “Relief from this rule is within the court’s discretion upon motion establishing financial hardship, special qualifications of non-resident counsel, or other good cause, provided that out-of-state counsel certifies familiarity with the local civil court rules.” LCvR 83.3(c).

II. Counsel's Professional History

Counsel has been licensed to practice law since 2009. After serving as a law clerk to Chief Justice Nuss of the Kansas Supreme Court, Counsel began private practice in Wichita, Kansas in 2013. Currently, Counsel is a partner with Lewis Brisbois Bisgaard & Smith LLP. Counsel's professional office is in Wichita, Kansas and his personal residence is near Wichita, Kansas. Counsel is admitted to practice in the following state and federal courts: Tenth Circuit Court of Appeals (July 11, 2016), Kansas (September 25, 2009), District of Kansas (April 29, 2013), Oklahoma (April 6, 2018), Western District of Oklahoma (May 22, 2018), Northern District of Oklahoma (June 25, 2018), Eastern District of Oklahoma (August 20, 2019), Missouri (December 7, 2017), Western District of Missouri (January 8, 2018), and the Eastern District of Missouri (January 11, 2018).

III. Counsel's Out-of-State Location Is Similar In Distance To Many of This Court's Rural Counties

Besides overseeing some of Oklahoma's most populated counties, this Court's venue includes many of Oklahoma's rural counties including Tillman, Ellis, Harper, Beaver, Cimarron, Woodward, Jackson, and Harmon. Oklahoma licensed attorneys residing in these rural counties are eligible to serve as local counsel under LCvR 83.3(a). For many of the rural counties in this Court's venue, it takes approximately two to three hours to travel to this Court's courthouse. Likewise, it takes Counsel approximately two and a half hours to travel to the United States Courthouse for the Western District of Oklahoma. The travel time from Wichita, Kansas to Oklahoma City is similar to a travel time for many of the counties the Western District serves .

IV. Since Being Admitted, Counsel Has Maintained An Active Practice Before this Court

Since admitted to practice law in Oklahoma, Counsel has entered his appearance in over forty Oklahoma state court cases. With regards to federal practice, Counsel has entered in the following cases:

6:2019-cv-00204	Sullivan et al v. Gandhi et al	Oklahoma Eastern District Court
6:2021-cv-00026	Youngblood et al v. Lowe's Home Centers, LLC	Oklahoma Eastern District Court
5:2020-cv-00101	Martinez v. Lowe's Home Centers LLC	Oklahoma Western District Court
5:2017-cv-00755	Tate v. Greyhound Lines Inc	Oklahoma Western District Court
5:2018-cv-00135	Marchant et al v. Palm Harbor Homes Inc et al	Oklahoma Western District Court
5:2018-cv-00569	Hardman v. The Pep Boys Manny Moe and Jack of Delaware Inc	Oklahoma Western District Court
5:2019-cv-00547	Wilson v. Lowe's Home Centers LLC	Oklahoma Western District Court
5:2019-cv-00487	Boomer Environmental LLC v. Tiger Logistics Inc	Oklahoma Western District Court
5:2019-cv-00877	Linn v. Lowe's Companies Inc et al	Oklahoma Western District Court
5:2020-cv-00046	Seaton v. Lowes Home Centers LLC	Oklahoma Western District Court
5:2019-cv-00938	HPH Investors LP v. Certain Underwriters at Lloyd's London	Oklahoma Western District Court
5:2020-cv-00393	Stahlman v. Lowe's Companies Inc et al	Oklahoma Western District Court
5:2020-cv-00522	Mitchell v. Lowe's Home Centers LLC	Oklahoma Western District Court
5:2020-cv-00882	Hawkins v. Lowe's Home Centers LLC	Oklahoma Western District Court

5:2021-cv-00106	Clyburn v. Lowe's Home Centers LLC et al	Oklahoma Western District Court
5:2021-cv-00115	Pier Drillers Inc v. Freight Logistics Inc et al	Oklahoma Western District Court
5:2021-cv-00619	Irvin v. GMRI Inc et al	Oklahoma Western District Court
5:2021-cv-00711	Meli v. In-Rel Properties Inc et al	Oklahoma Western District Court
5:2022-cv-00657	Burgundy Lane Llc v. Federated Mutual Insurance Company	Oklahoma Western District Court
4:2018-cv-00638	Davidson v. Lowe's Home Centers, Inc.	Oklahoma Northern District Court
4:2019-cv-00505	Whitlow et al v. Lowe's Home Centers, LLC et al	Oklahoma Northern District Court
4:2020-cv-00075	Pucket v. General Motors, LLC	Oklahoma Northern District Court
4:2021-cv-00403	Dilbeck v. Instant Brands, Inc.	Oklahoma Northern District Court
4:2021-cv-00486	Banda v. Collins et al	Oklahoma Northern District Court

While Counsel has not tried a case in this Court, Counsel has done nearly everything else. Counsel has removed multiple cases to this Court, attended status conferences in person and telephonically, filed dispositive and *Daubert* motions, participated in in-person settlement conferences with Magistrate Judges, and filed jury instructions, witness lists, and motions in limine. Counsel is familiar with the litigation process in this Court. Also, in each of the above listed cases, Counsel has affiliated with local counsel, usually Mr. Andrew Gunn of Durbin, Larimore, and Bialick. Counsel greatly appreciates Mr. Gunn's assistance. Mr. Gunn was instrumental in making introductions to court personnel and providing insight regarding this Court's customs and practices.

Finally, Counsel was granted relief from LCvR 83.3 in *Lundy v. HL Motor Group Inc et al*, Case No. 22-cv-00699-F, Doc. 10. *Lundy* is a companion case to this lawsuit and to *Carr v. HL Motor Group Inc. et. al*, Case No. 22-CV-00752-JD.

V. Certification and Conclusion

Counsel certifies pursuant to Rule LCvR 83.3(c) that he is familiar with local rules and customs and will fulfill all local counsel requirements as stated in LCvR 83.3(b). Defendants request leave to proceed without local residential counsel.

/s/ Jeremy K. Schrag

Jeremy K. Schrag, OBA # 33429
LEWIS BRISBOIS BISGAARD & SMITH LLP
1605 North Waterfront Parkway, Suite 150
Wichita, Kansas 67206
Telephone: 316-609-7900
Facsimile: 316-462-5746
jeremy.schrag@lewisbrisbois.com

Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on September 13, 2022, I filed the above Brief in Support of Motion for Relief of Local Rule 83.3(A) using the Court's electronic filing system which will send notice to all counsel of record and also sent a copy by electronic mail to:

Gerard F. Pignato
jerry@ryanwhaley.com

Daniel G. Webber, Sr.
dgw_attorney@outlook.com

Attorneys for Plaintiff

/s/ Jeremy K. Schrag
Jeremy K. Schrag